

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE  
PLAYERS' CONCUSSION INJURY  
LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

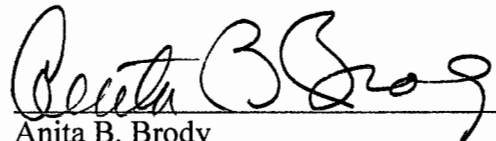
THIS DOCUMENT RELATES TO:

**Hon. Anita B. Brody**

|                                    |         |
|------------------------------------|---------|
| <i>Maxwell v. NFL, et al.,</i>     | 12-1023 |
| <i>Pear v. NFL, et al.,</i>        | 12-1025 |
| <i>Monk v. NFL, et al.,</i>        | 12-3533 |
| <i>Henderson v. NFL, et al.,</i>   | 12-3534 |
| <i>Kuechenberg v. NFL, et al.,</i> | 12-3535 |
| <i>Bauman v. NFL, et al.,</i>      | 12-4576 |
| <i>Bailey v. NFL, et al.,</i>      | 12-5372 |
| <i>Sweet v. NFL, et al.,</i>       | 12-7214 |
| <i>Duckworth v. NFL,</i>           | 13-4231 |
| <i>Jani v. NFL</i>                 | 14-2064 |

**ORDER**

AND NOW, on this 4<sup>th</sup> day of March, 2016, upon consideration of the Riddell Defendants' motion for leave to file a surreply to plaintiffs' reply in support of the plaintiffs' motion to schedule a Rule 16 pretrial conference (ECF No. 6777), it is **ORDERED** that the Riddell Defendants' motion is **GRANTED** and the surreply submitted as Exhibit 1 to the Riddell Defendants' motion, is deemed **filed**.

  
Anita B. Brody  
United States District Court Judge

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O:\ABB 2016\L - Z\NFL Order on Riddell Sur-reply motion.doc

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| SWEET v. NFL, et al.       | 12-cv-7214 |
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| JANI v. NFL                | 14-cv-2064 |

Hon. Anita B. Brody

**RIDDELL DEFENDANTS' SURREPLY IN OPPOSITION TO  
PLAINTIFFS' REPLY (ECF NO. 6776) AND MOTION TO  
SCHEDULE RULE 16 PRETRIAL CONFERENCE (ECF NO. 6753)**

The plaintiffs' reply in support of their motion to schedule a Rule 16(a) pretrial conference (ECF No. 6776) incorrectly asserts:

The Riddell Defendants first claim that this Court should not schedule a conference because this Court and the parties are still awaiting the Third Circuit's decision in *In re National Football League Player's Concussion Injury Litigation*, No. 14-8103, and because some of the Plaintiffs who have claims against Riddell in the above-captioned actions have opted-out of the settlement with the NFL that this Court approved. *See* ECF No. 6767 at 2-3. However, these assertions contradict the Riddell Defendants' request that the Court sever all claims against it and require the Plaintiffs to file individual actions against them alone because of a lack of common questions of law and fact. *See* Riddell Defendants Motion to Sever, ECF No. 3593. **Riddell previously argued that the Plaintiffs' claims against them should be pursued separately from the Plaintiffs' claims against the NFL**, and now they contend that the claims against them require waiting for a determination by the Third Circuit concerning the propriety of the Plaintiffs' settlement with the NFL.<sup>1</sup>

<sup>1</sup> (Pls.' Reply (ECF No. 6776) at 2 (emphasis added).)

Contrary to the plaintiffs' assertion, the Riddell defendants have not requested that the claims against them "be pursued separately from the Plaintiffs' claims against the NFL." Rather, the Riddell defendants' pending motion to sever (ECF No. 3593) showed that the plaintiffs' claims were misjoined with each other, and that, under prevailing authority, this misjoinder required both severance of the plaintiffs' claims from each other and that any plaintiffs wishing to pursue claims against the Riddell defendants must file separate, individual actions. The Riddell defendants did not request that the defendants be severed from each other, or that the claims against the Riddell defendants be severed from those against the NFL. The plaintiffs' assertion as quoted above is therefore incorrect.

Respectfully Submitted,

/s/ Paul G. Cereghini

Paul G. Cereghini  
Thomas C. Howard  
BOWMAN AND BROOKE LLP  
2901 N. Central Avenue  
Suite 1600  
Phoenix, AZ 85012  
Telephone: (602) 643-2300  
Facsimile: (602) 248-0947  
paul.cereghini@bowmanandbrooke.com  
thomas.howard@bowmanandbrooke.com

Robert L. Wise  
BOWMAN AND BROOKE LLP  
901 E. Byrd Street, Suite 1650  
Richmond, VA 23219  
Telephone: (804) 649-8200  
Facsimile: (804) 649-1762  
rob.wise@bowmanandbrooke.com

Eden M. Darrell  
BOWMAN AND BROOKE LLP  
750 B Street, Suite 1740  
San Diego, CA 92101  
Telephone: (619) 376-2500  
Facsimile: (619) 376-2501  
eden.darrell@bowmanandbrooke.com

Thomas P. Wagner  
MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN  
2000 Market St.  
Suite 2300  
Philadelphia, PA 19103  
Telephone: (215) 575-4562  
Facsimile: (215) 575-0856  
tpwagner@mdwccg.com

Attorneys for Defendants RIDDELL, INC.; ALL AMERICAN SPORTS CORPORATION;  
RIDDELL SPORTS GROUP, INC.; EASTON-BELL SPORTS, INC.; EASTON-BELL  
SPORTS, LLC; EB SPORTS CORP.; and RBG HOLDINGS CORP.

**CERTIFICATE OF SERVICE**

The undersigned certifies that this document was electronically filed and served via ECF on all counsel of record registered to receive service via the Court's ECF system.

/s/ Paul G. Cereghini